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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/720,570

12/23/2004

Keith Edwin Curtis

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EXAMINER

JANAKIRAMAN, NITHYA

ART UNIT

PAPER NUMBER

2123

MAIL DATE

DELIVERY MODE

06/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/720,570	Applicant(s) CURTIS ET AL.	
	Examiner Nithya Janakiraman	Art Unit 2123	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the submission filed on 2/19/2007, which claims priority from provisional application 60/090514 with priority date 6/24/1998. Claims 1-8 are presented for examination.

#### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: the term "said subsets" is previously a singular "subset". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,643,086, Alcorn et al. (hereinafter Alcorn) in view of US Patent 5,003,507, Johnson, (hereinafter Johnson).

4. Alcorn discloses an electronic casino gaming system for storing a casino game authentication program (see Abstract). However, Alcorn does not disclose the emulation of erasable programmable read-only memory (EPROM).

5. The Johnson invention relates to EPROM emulators (see column 1, lines 8-29).

6. Alcorn and Johnson are analogous art because they are both related to read-only memory (ROM).

7. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made combine the casino game authentication program with the EPROM emulator of Johnson because “this allows the EPROM to be much more versatile” and “there is need to eliminate this time consuming reprogramming during the development stages of this type of hardware” (see Johnson, column 1, lines 15-20). Combining Alcorn and Johnson would create an emulated EPROM interface that “allows the programmers to concentrate on the programming without the worry of having to face a long reburning process for a new test. This in turn leads to a better product since it can be more thoroughly tested before the final EPROM is programmed and any bugs or faults which are found can be eliminated by further testing” (see Johnson, column 1, lines 22-29).

8. Regarding independent claim 1 (and 6), Alcorn and Johnson teach:

A control apparatus (and method) for emulating the physical characteristics of binary data stored in EPROM media for use with a digital processing device (see Johnson, column 1, lines 8-29,

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“eprom emulator”), comprising a CPU, operating system, dynamic memory, input/output capability and executable software (see Alcorn, Figure 1), including:

- a. a control means (see Alcorn, column 6, lines 3-25);
- b. a non-volatile storage means (see Alcorn, column 6, line 20);
- c. at least one V-PROM resident on said non-volatile storage means (see Alcorn, column 6, lines 31-35, “game specific data set”);
- a communications means between said V-PROM and said CPU (see Alcorn, column 6, lines 31-35);
- e. a presentation means (see Alcorn, column 6, lines 31-35, “display”);
- f. a means for registering authorized users of aid presentation means (see Alcorn, column 9, lines 51-54);
- g. a reporting means for activities of said users (see Alcorn, column 8, lines 55-57, “message digest”);
- h. a security means for protection of contents of said V-PROM (see Alcorn, column 2, lines 14-41);
- i. A selection means for isolating subset of said contents of said V-PROM (see Alcorn, column 2, lines 46-47);
- j. a connection means between said V-PROM and at least one external EPROM-compatible device (see Alcorn, column 6, lines 27-30, “hard disk drive”).

9. Regarding claim 2, Alcorn and Johnson teach:

The control apparatus of claim 1, wherein said control means chooses among said subsets of said contents of said V-PROM for presentation to said EPROM-compatible device (see Alcorn, column 6, lines 27-35, "display").

10. Regarding claim 3, Alcorn and Johnson teach:

The control apparatus of claim 2, wherein said EPROM-compatible device comprises authentication capability (see Alcorn, column 6, line 18, "authentication software").

11. Regarding claim 4, Alcorn and Johnson teach:

The control apparatus of claim 3, wherein said authentication capability is designed for gaming activities (see Alcorn, column 6, line 5, "gaming system").

12. Regarding claim 5, Alcorn and Johnson teach:

The control apparatus of claim 1, wherein said subsets of said contents of said V-PROM comprise gaming applications (see Alcorn, column 6, line 31, "game specific data set").

13. Regarding claim 7, Alcorn and Johnson teach:

The method of claim 6 wherein said software relates to the field of gaming (see Alcorn, column 6, line 31, "game specific data set").

14. Regarding claim 8, Alcorn and Johnson teach:

The method of claim 6 wherein said EPROM-compatible device relates to authentication activities (see Alcorn, column 6, line 18, "authentication software").

#### *Additional Cited References*

15. US Patent 5,768,563: Disclosed is a circuit for assisting programmers in developing programs to be loaded into read-only memories within microprocessor-based systems. The

circuit acts as a ROM emulator and is powered by the target computer system, thus removing the need for an external power supply.

***Response to Arguments***

16. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

17. Applicant's remarks appear to be directed to 35 USC §103(c) to overcome the previous rejection. However, the previous rejection was not based upon 35 USC §103(c). MPEP 706.02(b) provides for means of overcoming a rejection under 35 USC §102(e), none of which include showing common assignment.

18. However, it has come to the Examiner's attention that WO 99/65579 (Bond) is available as prior art as of December 23, 1999 and therefore should not be applied as prior art against the pending claims. For this reason, the previous rejections have been withdrawn. New rejections under 35 U.S.C. 103(a) have been entered.

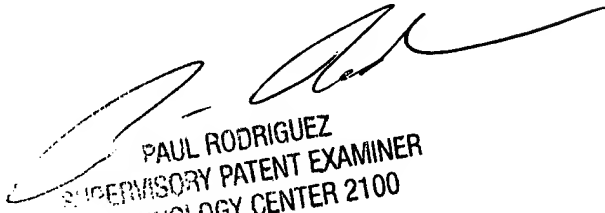
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nithya Janakiraman whose telephone number is 571-270-1003. The examiner can normally be reached on Monday-Thursday, 8:00am-5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571)272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NJ

  
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